



Title V Operating Permit

Permit No: **TV-OP-023**

Date Issued: **February 24, 2000**

This certifies that:

Brown Street Furniture, Inc.

Brown Street

Whitefield, NH 03598

has been granted a Title V Operating Permit for the following facility and location:

Brown Street Furniture, Inc.

Brown Street

Whitefield, NH 03598

AFS Point Source Number - 3300700003

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services (DES) on **January 17, 1997** under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:

Elwin A. Wright

President

(603) 837-2547

Technical Contact:

Elwin A. Wright

President

(603) 837-2547

This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **February 28, 2004**

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

For the New Hampshire Department of Environmental Services, Air Resource Division

Director, Air Resources Division

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Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations:

Brown Street Furniture, Inc. manufactures pine, cherry and maple wood furniture at the facility located in Whitefield, NH. The furniture is built from milled lumber which is cut, shaped and glued, and then stained, sealed, and lacquered. Wood shaping operations (cutting, sawing, sanding) and finishing operations (staining, sealing, and applying lacquer) constitute the primary sources of emissions of regulated air pollutants at the facility. Brown Street Furniture, Inc. is a major source of VOC emissions and therefore requires Title V Operating Permit.

II. Permitted Activities:

In accordance with all of the applicable requirements identified in this Permit, the Permittee is authorized to operate the devices and or processes identified in Sections III, IV, V and VI within the terms and conditions specified in this Permit.

III. Significant Activities Identification:

- A. The activities identified in the following table (Table 1) are subject to and regulated by this Title V Operating Permit:

Table 1 - Significant Activity Identification			
Emission Unit Number (EU#)	Description of Emission Unit	Exhaust Stack Identification	Emissions Unit Maximum Allowable Permitted Capacity
EU1 PO-BP-1173 ¹	Spray Booth #1 - Stain	Stack #1	Emissions of total VOCs from the staining booth shall be limited to 35.0 tons per any consecutive 12-month period.
EU2 PO-BP-1174	Spray Booth #2-Lacquer/Sealer	Stack #2	Emissions of total VOCs from the lacquer sealer booth shall be limited to 17.8 tons per any consecutive 12-month period.
EU3 PO-PB-1175	Spray Booth #3 - Lacquer	Stack #3	Emissions of total VOCs from the lacquer booth shall be limited to 30.8 tons per any consecutive 12-month period.
EU4 PO-PB-2630 (TP-BP-396)	Spray Booth #4 - Paint	Stack #4	Emissions of total VOCs from the paint booth shall be limited to 12.2 tons per any consecutive 12-month period.

Stack Criteria:

- B. The following stacks for the above listed significant devices at this facility shall meet the following criteria in accordance with the state-only modeling requirements specified in Env-A 1300 and Env-A 1400:

¹State Permit to Operate.

Table 2 - Stack Criteria		
Stack #	Minimum Stack Height (Feet)	Maximum Stack Diameter (Feet)
Stack #1	22	3'2"
Stack #2	22	3'2"
Stack #3	22	3'2"
Stack #4	22	2'4"

Changes to the stack parameters (set forth in Table 1 and 2) shall be allowable provided the Permittee documents compliance with all applicable Ambient Air Limits in accordance with Env-A 1305.02 and Part Env-A 1406. Documentation of compliance shall be maintained at the facility for review by the DES upon request. This is a state-only requirement.¹

IV. **Insignificant Activities Identification:**

All activities at this facility that meet the criteria identified in Env-A 609.03(g), shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this Permit.

V. **Exempt Activities Identification:**

All activities identified in Env-A 609.03(c) shall be considered exempt activities and shall not be subject to or regulated by this Title V Operating Permit. Emissions from exempt activities shall not be included in the total facility emissions for the emission based fee calculation described in Section XXIII. of this Permit.

VI. **Pollution Control Equipment and Techniques Identification:**

The devices and/or processes identified in Table 3 are considered pollution control equipment or techniques for each identified emissions unit:

Table 3 - Pollution Control Equipment Identification			
Pollution Control Equipment Number (PCE#)	Description of Equipment	Minimum Efficiency of Equipment	EU#
PCE1	Cyclone used as a pre-cleaner and Baghouse	Baghouse Filter Efficiency 77.7% . (based on max. allowable emissions allowed by Env-A 2103.02)	All units and/or equipment generating wood dust through the use of sanders, molders, routers, planers, saws, and any

¹The term Astate-only requirement≡ is used to refer to those requirements that are not federally enforceable but are state requirements as defined in Env-A 101.259.

Table 3 - Pollution Control Equipment Identification

			other woodworking devices discharging to the baghouse collection system.
PCE2	High Volume Low Pressure (HVLP) and Air-Assisted Airless spray guns	In accordance with manufacturer=s specifications	EU 1
PCE3 & PCE4	Air-Assisted Airless spray guns	In accordance with manufacturer=s specifications	EUs 2, 3 & 4

All equipment, techniques, facilities and systems installed and used to achieve compliance with the terms and conditions of this Permit shall at all times be maintained in good working order and shall be operated in accordance with the minimum efficiencies stipulated in Table 3, where applicable, and/or in accordance with manufacturers specifications, whichever is more stringent, so as to minimize air pollutant emissions. Manufacturer=s recommended maintenance schedules and specifications shall be kept on file for review by the DES and/or EPA upon request.

VII. Alternative Operating Scenarios:

No alternative operating scenarios were identified for this Permit.

VIII. Applicable Requirements:

A. VOC RACT Requirements

The Permittee is subject to the Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) emission limits and restrictions as contained in section VIII.A. of this Permit. Emission limits and restrictions contained in sections VIII.A.1. through VIII.A.9. are federally enforceable.

1. In accordance with Env-A 1204.17(a)(1) the Permittee is subject to the following VOC RACT requirements set forth in Section VIII.A.2. through VIII.A.9.
2. In accordance with Env-A 1204.17(c), wood furniture finishing operations at this facility shall be limited at all times to the VOC RACT emission rates stipulated below:
 - (a) Using topcoats with a non-exempt VOC content no greater than 0.8 kg VOC/kg solids (0.8 lb VOC/lb solids), as applied; or
 - (b) Using a finishing system of topcoats and sealers with a non-exempt VOC content no greater than the limits specified below:
 - (1) For topcoats, 1.8 kg VOC/kg solids (1.8 lb VOC/lb solids), as applied; and
 - (2) For sealers, 1.9 kg VOC/kg solids (1.9 lb VOC/lb solids), as applied; or
 - (c) Using an averaging approach as described in Env-A 1204.17(f).

3. In accordance with Env-A 1204.17(g), the non-exempt VOC content or amount of organic solvents and strippable booth coatings associated with spray booth cleaning operations for spray booth finishing operations at this facility shall not, at any time, exceed the following limits:
 - (a) For strippable booth coatings, 0.8 kg VOC/kg solids (0.8 lb VOC/lb solids), as applied.
 - (b) For organic solvents used to clean spray booth components other than conveyors, continuous coaters and their enclosures, and/or metal filters of spray booths, 8.0% by weight of VOC;
4. In accordance with Env-A 1204.17(h), VOC emissions associated with materials storage or solvent cleaning operations at this facility, shall be controlled as follows:
 - (a) All finishing and cleaning materials shall be stored in a normally closed container;
 - (b) All organic solvent used for line cleaning shall be pumped or drained into a normally closed container;
 - (c) All organic solvent used to clean spray guns shall be collected into a normally closed container; and
5. In accordance with Env-A 1204.17(i), the following shall be met by the Permittee:
 - (a) For all operations, one or more of the following control techniques shall be used:
 - (1) HVLP spray;
 - (2) Airless spray;
 - (3) Air-assisted airless spray;
 - (4) Flow coating techniques;
 - (5) An equivalent substitute control technique approved by the director in accordance with Env-A 1204.06; or
 - (6) Conventional air spray under any one or more of the following circumstances:
 - a. The application of finishing materials having a non-exempt VOC content not greater than 1.0 kg VOC/kg solids (1.0 lb VOC/lb solids), as applied;
 - b. The spray is automated;
 - c. The emissions from the finishing application station are directed to add-on control equipment;
 - d. The conventional air spray gun is used to apply finishing materials and the cumulative total usage of that finishing material is less than 5.0% of the total gallons of finishing material used during the applicable semi-annual reporting period;

- e. The conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology, as demonstrated in accordance with the provisions Env-A 1204.17(i)(2); or
 - f. Touch-up and repair activities in accordance with the provisions Env-A 1204.17(j).

- 6. In accordance with Env-A 1204.17(k), owners or operators of VOC RACT applicable wood furniture coating sources shall prepare an initial training course and an annual refresher course to be given to all source personnel, including contract personnel, who are directly involved in the implementation of this rule meeting the requirements specified below:
 - (a) The personnel training course shall consist of, at a minimum, all of the following elements:
 - (1) A list of all personnel, including contract personnel, by name and job description;
 - (2) An outline of the subjects to be covered, for each person or group of personnel, in the initial training course and each refresher course;
 - (3) Lessons plans for the initial training course and each refresher course that include, at a minimum:
 - a. Application techniques;
 - b. Cleaning procedures, including appropriate management of cleanup wastes; and
 - c. Appropriate equipment assembly and adjustment to minimize coating and finishing material usage and overspray; and
 - (4) A description of the personnel examination methods to be used at the completion of the initial and refresher training to demonstrate and document successful completion.
 - (b) the source owner or operator shall maintain a copy of all course materials developed pursuant to (a), above, for inspection by the division upon demand.

- 7. In accordance with Env-A 1204.17(l), each owner or operator of a wood furniture coating source shall prepare and maintain a copy of a leak inspection and maintenance plan that contains the following:
 - (a) A minimum visual inspection frequency of once per month for all

equipment
used to
transfer or
apply
finishing
materials or
organic

solvents;

- (b) An inspection schedule;
- (c) Methods for documenting the date and result of each inspection and any repairs that were made;
- (d) The time frame between identifying the leak and making the repair, in accordance with the following schedule:

- (1) The first repair attempt, such as tightening of packing glands, shall be made no later than 5 business days after the leak is initially detected; and

- (2) Final repair(s) shall be made within the following time periods:

- a. If the leaking equipment is to be replaced by a new purchase, not later than 90 calendar days after initial leak detection; or

- b. If the leaking equipment is not to be

- replaced by a new purchase,
not later than

- 15 business
days after initial leak detection.

8. In accordance with Env-A 1204.17(m), each owner or operator of a wood furniture coating source shall develop an organic solvent accounting form to record the following for each calendar month:

- (a) The quantity and type of organic solvent used for washoff and cleaning;
- (b) The number of pieces washed off, and the reason for the washoff; and
- (c) The quantity of spent organic solvent generated from each activity and the quantity of said solvent that is recycled on-site or disposed off-site.

9. In accordance with Env-A 1204.02(d), minor core activities of non-exempt VOCs at a stationary source, as defined in Env-A 1204.03, having total aggregate emissions of not more than 5 tons per year, combined for all classifiable and unclassifiable processes and/or devices, shall be excluded from the provisions of Env-A 1204.

VIII. B. State-only Enforceable Operational and Emission Limitations:

The Permittee shall be subject to the state-only operational and emission limitations identified in Table 4 below.

Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	Env-A 1305.01(a)	Facility Wide ²	New or modified devices, new or modified area sources, and existing devices or area sources for which new applications for permits are filed that have the potential to emit, in any amount, substances that meet the criteria of Env-A1301 shall be subject to Env-A 1300, until such time as the Env-A 1400 requirements supersede the Env-A 1300 requirements. (As outlined below)
2.	Env-A 1305.02	Facility Wide	Air quality impact analysis of devices and area sources emitting substances meeting the criteria of Env-A 1301 shall be performed in accordance with the ADES Policy and Procedure for Air Quality Impact Modeling [≡] or other comparable dispersion modeling methods approved by EPA.
3.	Env-A 1403.01	Facility Wide	In accordance with Env-A 1403.01, new or modified devices or processes installed after May 8, 1998, shall be subject to the requirements of Env-A 1400.
4.	Env-A 1403.02(a)	Facility Wide	In accordance with 1403.02(a), all existing unmodified devices or processes which are in operation during the transition period ending three years from May 8, 1998 to May 8, 2001, shall comply with either Env-A 1300 or Env-A 1400.
5.	Env-A 1403.02(b)	Facility Wide	In accordance with Env-A 1403.02(b), all existing devices or processes in operation after the transition period ending three years from May 8, 1998, (May 8, 2001) shall comply with Env-A 1400. Env-A 1300 will no longer be in effect.
6.	Env-A 1404.01(d)	Facility Wide	In accordance with Env-A 1404.01(d), documentation for the demonstration of compliance shall be retained at the site, and shall be made available to the DES for inspection.
7.	Env-A 1405.02	Facility Wide	In accordance with Env-A 1405.02 the owner of an existing device or process requiring a permit modification under chapter Env-A 1400 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), an application for a modification to a title V permit in accordance with Env-A 609.18, and a request to the DES to perform air dispersion modeling.
8.	Env-A 1405.03	Facility Wide	In accordance with Env-A 1405.03 the owner of an existing device or process requiring a permit under Env-A 1300 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), a compliance plan identifying how the device or process will comply with chapter Env-A 1400 by the end of the transition period. The compliance plan shall contain the dates when the information required in Env-A 1405.02 will be filed with the DES.
9.	Env-A 1406.01	Facility Wide	In accordance with Env-A 1406.01 the owner of any device or process which emits a regulated toxic air pollutant shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, or Env-A 1406.04. Upon request, the owner of any device or process which emits a

² Facility Wide shall include all significant and insignificant activities at the facility.

Table 4 - State-only Enforceable Operational and Emission Limitations

			regulated toxic air pollutant shall provide documentation of compliance with the ambient air limits to the DES.
10.	Env-A 1414.01	Facility Wide	In addition to the requirements of Env-A 1300 and Env-A 1400 where applicable, major sources of hazardous air pollutants (HAPs) and area sources of hazardous air pollutants shall comply with all applicable requirements of section 112 of the Act.

11. Should the facility wish to introduce a new compound into the process or increase the rate of use of a compound from that which was considered at the issuance date of this Permit, then the following steps are required to determine if the resulting individual air toxic emission rates are in compliance with the New Hampshire Ambient Air Limits ("NHAAL"):

- (a) Calculate the maximum pounds per hour of each individual toxic that will be introduced and/or increased by the proposed process change and emitted from the process in any 24 hour period by using the following equation individually for each toxic:

$$ER = \left[\left(\frac{C}{24 \text{ Hours Per Day}} \right) * \left(\frac{W}{100\%} \right) * \left(\frac{100 - EF}{100\%} \right) * \left(\frac{100 - R}{100\%} \right) \right]$$

Where:

- ER = The emission rate of the individual toxic, (in pounds per hour);
C = Total amount of the coating used per day, (in pounds).
W = The weight percentage of the individual toxic present in each of the coatings, (in percent);
EF = The emission factor of individual air toxic:
For Solids - assume 80 percent capture by the product and 20 percent is emitted to the atmosphere;
For Volatile Compounds assume 100 percent of the chemical constituent present in the coating volatilizes to the atmosphere;
RE = The control device removal efficiency for **solids only**, (in percent);³

- (b) The following equation shall be used to determine if the chemical constituent is in compliance with the NHAAL:

$$MI = (ER) * \left(163.0 \frac{\text{mg}/\text{m}^3}{1.0 \text{ lb/hr}} \right)$$

Where:

- MI = The maximum concentration of the chemical constituent used to compare to the NHAAL, (in ug/m³).
lb/hr = Pounds per hour.
ug/m³ = Micrograms per cubic meter.
163 ug/m³ divided by 1.0 lb/hr is the facility specific impact number which is based on modeling performed by the DES on June 3, 1999.

³ The Removal Efficiency is to be considered for **solids only** and is 90 percent filter efficiency.

- (c) Compare the maximum concentration calculated from the equation in condition VIII.B.11(b) to the most current NHAAL for the particular chemical constituent. If the chemical constituent is not found on the NHAAL list, the DES/ARD Title V Coordinator should be contacted to determine if the chemical constituent should be regulated; and
- (d) Documentation of all proposed process changes shall be submitted to the DES, TitleV Coordinator, for review, along with copies of all calculations verifying that the proposed process change is in compliance with the NHAALs and the conditions of this permit.
- (e) Should the proposed change in the process result in a different impact number from the one currently listed in this permit, the Division will issue a letter to the facility with the new impact number which will be incorporated into the permit upon its renewal. The letter identifying the new impact number shall be attached to this permit until such time that this permit is renewed.

VIII. C. Federally Enforceable Operational and Emission Limitations

The Permittee shall be subject to the federally enforceable operational and emission limitations identified in Table 5 below.

Table 5 - Operational and Emission Limitations			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1	Env-A 1604.01(a)	All Fuel Burning Devices Facility Wide	The sulfur content of No. 2 oil and off-road diesel oil shall not exceed 0.40 percent sulfur by weight. All fuels used at the facility shall meet the requirements of New Hampshire Code of Administrative Rules (NHCAR).
2	Env-A 2103.02(c)(1)	Facility Wide	<p><u>Calculation of Particulate Matter Emission Standards.</u></p> <p>Particulate matter emissions from a ANew Device≡ (from a process, manufacturing and service based industry) installed after February 18, 1972 with a process weight rate up to 60,000 pounds per hour, shall not exceed the emission rate (in pounds per hour) averaged over a one hour period as specified in the formula below, where P (the process weight rate in tons per hour) shall be raised to the 0.67 power and multiplied by 4.10:</p> $E = 4.10 P^{0.67}$
3	Env-A 2107.01(a)	Facility Wide	Unless otherwise specified in Env-A 2100, no person shall cause or allow visible fugitive emissions or visible stack emissions for any process, manufacturing or serviced-based industry subject to this chapter to exceed an average of 20 percent

Table 5 - Operational and Emission Limitations

			opacity for any continuous 6-minute period in any 60 minute period, except where opacity is specified differently for fuel burning devices in Env-A 2003.
4	40 CFR 68	Facility Wide	<p>The facility is subject to the Purpose and general Duty clause of the Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities:</p> <ol style="list-style-type: none"> 1. Identify potential hazards which may result from such releases using appropriate hazard assessment techniques; 2. Design and maintain safe facility; 3. Take steps necessary to prevent releases; and 4. Minimize the consequences of accidental releases which do occur.
5	40 CFR 63.800 (b)(3)	Facility Wide	<p>A source that complies with the limits and criteria specified in paragraph (b)(3), i.e. the source emits no more than 5 tons of any one HAP per rolling 12-month period and no more than 12.5 tons of any combination of HAP per rolling 12-month period, is an area source for the purposes of this subpart and is not subject to any other provision of this rule.</p> <p>A source that initially relies on the limits and criteria specified above to become an area source, but subsequently exceeds the relevant limit becomes a major source and must comply thereafter with all applicable provisions of this subpart starting on the applicable compliance date in 40 CFR 63.800.</p> <p>Brown Street Furniture has accepted the limits of an area source (see the Initial Notification Report filed on 8/29/96) and agreed to emit no more than 5 tons of any one HAP per rolling 12-month period, and no more than 12.5 tons of any combination of HAP per rolling 12-month period.</p>
6	State Permit to Operate PO-BP-1173	Spray Booth #1 Stain	<ol style="list-style-type: none"> 1. Emissions of total VOCs from the staining booth shall be limited to 17.5 lbs/hr averaged over 24-hr period. 2. Emissions of total VOCs from the staining booth shall be limited to 35.0 tons per any consecutive 12-month period.
7	State Permit to Operate PO-BP-1174	Spray Booth #2 Lacquer/Sealer	<ol style="list-style-type: none"> 1. Emissions of total VOCs from the Lacquer Sealer booth shall be limited to 8.91 lbs/hr averaged over 24-hr period. 2. Emissions of total VOCs from the Lacquer Sealer booth shall be limited to 17.8 tons per any consecutive 12-month period.
8	State Permit to Operate PO-BP-1175	Spray Booth #3 Lacquer/Sealer	<ol style="list-style-type: none"> 1. Emissions of total VOCs from the Lacquer booth shall be limited to 15.4 lbs/hr averaged over 24-hr period. 2. Emissions of total VOCs from the Lacquer booth shall be limited to 30.8 tons per any consecutive 12-month period.
9	State Permit to Operate PO-BP-2630 (TP-BP-396)	Spray Booth #4 Paint	<ol style="list-style-type: none"> 1. Emissions of total VOCs from the paint spray booth shall be limited to 6.1 lbs/hr. 2. Emissions of total VOCs from the paint booth shall be limited to 12.2 tons per any consecutive 12-month period.

VIII. D. Emission Reductions Trading Requirements

The Permittee did not request emissions reduction trading in the operating permit application. At this point, DES has not included any permit terms authorizing emissions trading in this permit. All emission reductions trading, must be authorized under the applicable requirements of either Env-A 3000 (the A Emissions Reductions Credits (or ERCs) Trading Program) or Env-A-3100 (the A Discrete Emissions Reductions (or DEC) Trading Program) and 42 U.S.C. §7401 et seq. (The A Act), and must be provided for in this permit.

VIII. E. Monitoring/Testing Requirements

The Permittee is subject to the monitoring/ testing requirements as contained in Table 6 below:

Table 6 - Monitoring/Testing Requirements					
Item #	Control Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Cite
1.	Cyclone and Filter Bag-Unit	Total Suspended Particulate (wood dust)	<p>Establish a pressure differential range representative of normal daily Baghouse operations in accordance with manufacturer=s recommended operating parameters.</p> <p>Conduct daily monitoring of pressure differential of each unit, or perform daily observations of opacity in accordance with Method 22, 40 CFR Part 60, Appendix A. Daily monitoring of pressure differential required by this condition may be accomplished by daily use of ink recorders to record continuous reading of the pressure differential for each unit or by daily observations of the magnehelic gauges located at each unit and recordation of the pressure reading indicated by each gauge. All data generated shall be kept on file at the facility and made available to the DES and/or EPA upon request.</p> <p>Conduct preventative maintenance necessary to ensure the operation of each unit in a manner consistent with manufacturer=s recommendations.</p> <p>Manufacturer=s recommendations regarding unit operation shall be kept on file at the facility and made</p>	Daily and weekly	Env-A 806.01(b)(4) and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 - Monitoring/Testing Requirements					
			<p>available to the DES and/or EPA upon request.</p> <p>Conduct an annual inspection of each unit. The inspection shall be conducted by plant personnel familiar with the operation of the device and equipment. Records of inspections and subsequent maintenance conducted shall be kept on file at the facility for review by the DES and/or EPA upon request.</p>		
2.	Low VOC Coatings	Control of VOC emissions through the use of compliant coatings	When compliance is by low VOC coatings, the VOC content and applicable physical properties shall be determined using Method 24, 40 CFR 60, Appendix A at 1-hour bake time. Coating manufacturer=s test results (as determined by Method 24) may be used by the Permittee to demonstrate compliance. If coating manufacturer=s test results are used, then the Permittee shall ensure that these results are representative of each compliant coating as it is applied at the Facility. Results shall be presented as lb. of VOC per lb. of solids as applied.	Upon use of VOC coatings subject to VOC RACT	Env-A 803.03 Federally Enforceable
3.	Facility Stacks	Allows for adequate dispersion of HAPs and other regulated pollutants	Conduct an annual inspection of each stack to determine that all stack parameters (height, diameter and cap) have not changed from values listed in the permit application and to determine that stacks are in good operating condition (no holes, dents, rusting or any other visible damage present). Records of inspections and subsequent maintenance conducted as a result of the annual inspections shall be kept on file at the facility for review by the DES and/or EPA upon request.	Annually	Env-A 806.01(b)(4) and 40 CFR 70.6(a)(3) Federally Enforceable

VIII. F. Record keeping Requirements

The Permittee is subject to the Record keeping requirements as contained in Table 7 below:

Table 7 - Applicable Record keeping Requirements				
Item #	Record keeping Requirement	Frequency of Record keeping	Applicable Emission Unit	Regulatory Cite Federally Enforceable or State-Only Enforceable
1.	The Permittee shall retain records of all required monitoring data, record keeping and reporting requirements and support information for a period of at least 5 years from the date of the origination.	Retain for a minimum of 5 years	Facility Wide	40 CFR 70.6(a)(3)(ii)(B) Federally Enforceable
2.	The Permittee shall maintain records of monitoring and testing conducted as a result of the requirements specified in Table 6 of this Permit, including:	Maintain on a continuous basis as	Facility Wide	40 CFR 70.6(a)(3)(i) (A)

Table 7 - Applicable Record keeping Requirements

	<p>(a) Daily observations of pressure differential, opacity, preventative maintenance and annual inspections results for cyclone and filter bag unit shall be maintained at the facility. If Method 22 observations are made a log must be kept indicating date, time, results and initials of the person performing the test;</p> <p>(b) Method 24 40 CFR 60, Appendix A, low VOC coating results in lb VOC/ lb solids (representative of each compliant coating as applied); and</p> <p>(c) Preventative maintenance and inspection results for stacks.</p>	specified in Table 6 of this permit		Federally Enforceable
3.	<p>To satisfy the applicable requirements of Env-A 903.02, The Permittee shall record the following information:</p> <p>(a) Records shall be kept regarding the total daily and monthly quantity, in gallons or pounds, of raw materials containing VOCs, HAPs and/or New Hampshire Regulated Toxic Air Pollutants (NHRTAPs) used in each process; and</p> <p>(b) Records shall be kept regarding the hours of operation of each process;</p> <p>(1) Days of operation per calendar week during normal operating schedule;</p> <p>(2) Hours of operation per day during normal operating schedule; and</p> <p>(3) Hours of operation per year under normal operating conditions.</p> <p>(c) Daily VOC emission rate in lb/hr averaged over 24-hr period.</p>	Monthly and Rolling Consecutive 12 Month Basis	Facility Wide	Env-A 903.02 Federally Enforceable
4.	<p><u>VOC Recordkeeping Requirements</u></p> <p>The Permittee shall record and maintain the following information at the facility;</p> <p>(a) Identification of each VOC-emitting process or device;</p> <p>(b) The operating schedule during the high ozone season (June 1 through August 31) for each VOC-emitting process or device including:</p> <p>(1) Hours of operation per calendar month;</p> <p>(2) Days of operation per calendar month; and</p> <p>(c) The following VOC data:</p> <p>(1) Actual VOC emissions for each calendar year, in tons;</p> <p>(2) Actual VOC emissions for each calendar month, in tons or pounds.</p> <p>(3) Actual VOC emissions for a high ozone season day during that calendar year, in pounds per day; and</p> <p>(4) The emission factors and the origin of the emission factors used to calculate the VOC emissions.</p> <p>(d) For all surface coating operations, in addition to the</p>	<p>Maintain at facility at all times</p> <p>Maintain at</p>	<p>Spray Booths 1-4</p> <p>Spray</p>	<p>Env-A 904.02 Federally Enforceable</p> <p>Env-A 904.03</p>

Table 7 - Applicable Record keeping Requirements

	<p>requirements of 903.02, the following information shall be recorded and maintained:</p> <p>(1) Coating formulation and analytical data, as follows:</p> <ul style="list-style-type: none"> a. Supplier; b. Name and color; c. Type; d. Identification number; e. Density described as lbs/gal; f. Total volatile content described as weight percent; g. Water content described as weight percent; h. Exempt solvent content described as weight percent; i. VOC content described as weight percent; j. Solids content described as volume percent; k. Diluent name and identification number; l. Diluent solvent density described in lbs/gal; m. Diluent VOC content described as weight percent; n. Diluent exempt solvent content described as weight percent; o. Volume of diluent VOC described as gal; and p. Diluent/solvent ratio described as gal diluent solvent/gal coating. 	facility at all times	Booths 1-4	Federally Enforceable
	<p>(2) Process information for each surface coating device for a typical high ozone season day including:</p> <ul style="list-style-type: none"> a. Method of application; b. Number of coats for coating operations; c. Drying method, if applicable; d. Substrate type and form. <p>(3) The number of gallons of each coating, including solvents and diluents, utilized during a typical high ozone season day for each surface coating;</p>	Monthly and Rolling Consecutive 12 Month Basis	Spray Booths 1-4	Env-A 904.03 (c) Federally Enforceable
5.	The Permittee shall keep records that demonstrate that annual HAPs emissions do not exceed an area source limits of 5 TPY for a single HAP and 12.5 TPY for any combination of HAPs.	Monthly and Rolling Consecutive 12 Month Basis	Spray Booths 1-4	40 CFR 63.800(b)(3) Federally Enforceable
6.	<p>The Permittee shall record monthly fuel utilization which shall contain the following information:</p> <ul style="list-style-type: none"> (a) Consumption (b) Fuel type; (c) Sulfur content as percent sulfur by weight of fuel, retention of delivery tickets from fuel suppliers indicating sulfur content percent may be used to satisfy this condition; and (d) Btu content per gallon or cubic feet of fuel. 	Maintain at facility at all times.	Fuel burning devices	Env-A 901.03 Federally Enforceable
7.	The Permittee shall quantify actual emissions from insignificant activities for determination of emission based fees.	Maintain at facility at all times.	Insignificant activities	Env-A 609.03(e)(f) Federally

Table 7 - Applicable Record keeping Requirements

				Enforceable
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VIII. G. Reporting Requirements

The Permittee is subject to the reporting requirements as contained in Table 8 below:

Table 8 - Applicable Reporting Requirements

Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite Federally Enforceable or State-Only Enforceable
1.	<p>The Permittee shall submit to the DES an annual emission report for the previous calendar year (January 1st through December 31st), on or before April 15th of each year, containing information required to be recorded pursuant to Section VIII.F, items 5 and 6. For calendar year 1999, the annual emissions reports shall be submitted to the Division on or before April 15, 2000.</p> <p>The report shall include the following information:</p> <ul style="list-style-type: none"> (a) The actual calendar year emissions from the facility on a monthly basis and the methods used in calculating such emissions in accordance with Env-A 704.02; (b) For the Spray Paint Booths, all information in accordance with Env-A 903.02, specified in Table 7, item 3. (c) The actual calendar year annual emissions on a monthly basis <u>speciated</u> by individual regulated air pollutants, including a breakdown of VOC emission by compound. 	Annually (no later than April 15th of the following year)	Spray Booths 1-4	Env-A 907.01 Federally Enforceable
2.	Prompt reporting of malfunctions and deviations from Permit requirements shall be conducted in accordance with Section XXVIII, of this Permit.	Prompt reporting as specified in Section XXVIII of this Permit.	Facility Wide	Env-A 911.04 & 40 CFR 70.6(a)(3)(iii) (B) Federally Enforceable
3.	<p>The Permittee shall submit to DES a summary report of monitoring and testing requirements every 6 months. All instances of deviations from Permit requirements must clearly be identified in such reports. The report shall contain a summary of the following information:</p> <ul style="list-style-type: none"> (a) Monitoring, preventative maintenance and annual inspection results for cyclone and filter bag unit; (b) Method 24 40 CFR 60, Appendix A, low-VOC coating results in lb VOC/ lb solids ; (c) Preventative maintenance and inspection results for stacks. 	By January 31 and July 31 each calendar year.	Facility Wide	40 CFR 70.6(a)(3)(iii) (A) Federally Enforceable
4.	<u>VOC Reporting Requirements</u>	Annually	Facility Wide,	Env-A 908.02

Table 8 - Applicable Reporting Requirements				
	<p>To satisfy the requirements of Env-A 908.02, the Permittee shall submit each year the following information:</p> <p>(a) The annual VOC statement including following facility information:</p> <p>(1) Source name;</p> <p>(2) Standard Industrial Classification (SIC) code;</p> <p>(3) Physical address; and</p> <p>(4) Mailing address;</p> <p>(b) Operating schedule during the high ozone season for each VOC emitting process or device, including;</p> <p>(1) Hours of operation per calendar day; and</p> <p>(2) Days of operation per calendar week (i.e. the typical number of days of operation per calendar week during the high ozone season); and</p> <p>(c) Total quantities of actual VOC emissions for the entire facility and for each process or device</p> <p>(1) Annual VOC emissions, in tons; and</p> <p>(2) Typical high ozone season day VOC emissions, in pounds per day.</p> <p>(d) The permittee shall submit, for each coating line, the information specified in Table 7, item 4.</p>		Spray Booths 1-4	& Env-A 908.03 Federally Enforceable
5.	Any report submitted to the DES and/or EPA shall include the certification of accuracy statement as outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.	As specified	Facility Wide	40 CFR 70.6(c)(1) Federally Enforceable
6.	Annual reporting and payment of emission based fees shall be conducted in accordance with Section XXIII of this Permit	Annually	Facility Wide	Env-A 704.03 Federally Enforceable
7.	Annual compliance certification shall be submitted in accordance Section XXI of this Permit.	Annually	Facility Wide	40 CFR 70.6(c)(1) Federally Enforceable

IX. Requirements Currently Not Applicable:

The Permittee did not identify any requirements not currently applicable to the facility.

General Title V Operating Permit Conditions

X. Issuance of a Title V Operating Permit:

- A. This Permit is issued in accordance with the provisions of Part Env-A 609. In accordance with 40 CFR 70.6(a)(2) this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

- B.** Pursuant to Env-A 609.02(b), this Permit shall be a state permit to operate as defined in RSA 125-C:11, III.

XI. Title V Operating Permit Renewal Procedures:

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

XII. Application Shield:

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

XIII. Permit Shield:

- A.** Pursuant to Env-A 609.08(a), a permit shield shall provide that:
- 1.** For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
 - 2.** For any potential applicable requirement or any potential state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically identified in this Title V Operating Permit Section IX Table 8 as not applicable to the stationary source or area source, the Permittee need not comply with the specifically identified federal or state requirements.
- B.** The permit shield identified in Section XIII.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by DES.
- C.** If a Title V Operating Permit and amendments there to issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the NH Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the permit shield and the Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.
- D.** If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.

- E. Pursuant to Env-A 609.08(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18 or to exercise its summary abatement authority.
- F. Pursuant to Env-A 609.08(g), nothing contained in this section or in any title V operating permit issued by the DES shall alter or affect the following:
 - 1. The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
 - 2. The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15,II;
 - 3. The provisions of section 303 of the Act regarding emergency orders including the authority of the EPA Administrator under that section;
 - 4. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 - 5. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act;
 - 6. The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the Act; or
 - 7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

XIV. Reopening for Cause:

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.18(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.18(b) through (g).

XV. Administrative Permit Amendments:

- A. Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Part Env-A 100 immediately upon submittal of the request.
- B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVI. Operational Flexibility:

- A. Pursuant to Env-A 612.02(a), the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions under this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application for and

obtaining an amended Title V Operating Permit, provided that all the conditions are met as specified in section XVI. A. 1. through 7. of this permit and a notice is submitted to the DES and EPA describing the intended changes. At this point, DES has not included any permit terms authorizing emissions trading in this permit.

1. The change is not a modification under any provision of title I of the Act;
2. The change does not cause emissions to exceed the emissions allowable under the title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
3. The owner or operator has obtained any temporary permit required by Env-A 600;
4. The owner or operator has provided written notification to the director and administrator at least 15 days prior to the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur;
 - b. A description of each such change;
 - c. Any change in emissions that will result and how this change in emissions will comply with the terms and conditions of the permit;
 - d. A written request that the operational flexibility procedures be used; and
 - e. The signature of the responsible official, consistent with Env-A 605.04(b);
5. The Title V Operating Permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
6. The owner or operator has included in the application for the Title V Operating Permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the Title V Operating Permit which qualify under a federally enforceable emissions cap that is established in the Title V Operating Permit independent of the otherwise applicable requirements; and
7. The proposed change complies with Env-A 612.02 (e).

B. Pursuant to Env-A 612.02(c), the Permittee subject to and operating under this Title V Operating Permit may make changes not addressed or prohibited by this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application, provided that all the conditions specified in Env-A 612.02(c)(1) through (6) are met and a notice is submitted to the DES and EPA describing the intended changes.

- C. Pursuant to Env-A 612.02(d), the Permittee, Operator, Director and Administrator shall attach each notice of an off-permit change completed in accordance with Section XVI of this Title V Operating Permit to their copy of the current Title V Operating Permit.
- D. Pursuant to Env-A 612.02(e), any change under Section XVI shall not exceed any emissions limitations established under the NH Rules Governing the Control of Air Pollution, or result in an increase in emissions, or result in new emissions, of any toxic air pollutant or hazardous air pollutant other than those listed in the existing Permit.
- E. Pursuant to Env-A 612.02(f), the off-permit change shall not qualify for the permit shield under Env-A 609.08.

XVII. Minor Permit Amendments:

- A. Pursuant to Env-A 612.04 prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.04(b).
- B. The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.04(c) through (g).
- C. Pursuant to Env-A 612.04(g), the permit shield specified in Env-A 609.08 shall not apply to minor permit amendments under Section XVII. of this Permit.
- D. Pursuant to Env-A 612.04(i), the Permittee shall be subject to the provisions of Part Env-A 614 and Part Env-A 615 if the change is made prior to the filing with the Director a request for a minor permit amendment.

XVIII. Significant Permit Amendments:

- A. Pursuant to Env-A 612.05, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.05(a)(1) through (7).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director which includes all the information as referenced in Env-A 612.05(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of Env-A 614 and Env-A 615 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.
- C. The Director shall take final action on the significant permit amendment in accordance with the procedures specified in Env-A 612.05(d), (e) and (f).

XIX. Title V Operating Permit Suspension, Revocation or Nullification:

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
 - 1. the Permittee has committed a violation of any applicable statute or state requirement found in the

New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or

2. that the emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.

- B. The Director shall nullify any Permit, if following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

XX. Inspection and Entry:

Pursuant to Env-A 614.01, EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6,VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the NH Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

XXI. Certifications:

A. Compliance Certification Report

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify, for the previous calendar year, that the facility is in compliance with the requirements of this permit. The report shall be submitted annually, no later than April 15th of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

1. The terms and conditions of the Permit that are the basis of the certification;
2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether the method was continuous or intermittent during the reporting period;
3. The methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
4. Any additional information required by the DES to determine the compliance status of the source.

B. Certification of Accuracy Statement

All documents submitted to the DES shall contain a certification of accuracy statement by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware

that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

All reports submitted to DES (except those submitted as emission based fees as outlined in Section XXIII of this Permit) shall be submitted to the following address;

New Hampshire Department of Environmental Services
Air Resources Division
64 North Main Street
P.O. Box 2033
Concord, NH 03302-2033
ATTN: Mary Ruel, Compliance Bureau

All reports submitted to EPA shall be submitted to the following address;

Office of Environmental Stewardship
Director Air Compliance Program
United States Environmental Protection Agency
1 Congress Street
Suite 1100 (SEA)
Boston, MA 02114-2023
ATTN: Air Compliance Clerk

XXII. Enforcement:

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii) a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

XXIII. Emission-Based Fee Requirements:

- A. The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.
- B. The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 620.

- C. The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with the

$$FEE = E * DPT * CPI_m * ISF$$

procedures specified in Env-A 704.03 and the following equation:

Where:

- FEE = The annual emission-based fee for each calendar year as specified in Env-A 704.
 E = The emission-based multiplier is based on the calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a).
 DPT = The dollar per ton fee the DES has specified in Env-A 704.03(b).
 CPI_m = The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).
 ISF = The Inventory Stabilization Factor as specified in Env-A 704.03(d).

- D. The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E. The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F. The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B. and C of this Permit for each calendar year by October 15th of the following calendar year in accordance with Env-A 704.04. The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services
 Air Resources Division
 64 North Main Street
 P.O. Box 2033
 Concord, NH 03302-2033
 ATTN.: Emissions Inventory

- G. The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

XXIV. Duty To Provide Information

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Part Env-A 103 at the time such information is submitted to DES. DES shall evaluate such requests in accordance with the provisions of Part Env-A 103.

XXV. Property Rights

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

XXVI. Severability Clause

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

XXVII. Emergency Conditions

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based⁴ emission limitations specified in this Permit as a result of an emergency⁵.

In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

⁴ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

⁵ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

XXVIII. Permit Deviation

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone or fax, within 8 hours of discovery of such deviation pursuant to Env-A 902.02. This report shall include the deviation itself, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Said Permit deviation shall also be submitted in writing to the DES within fifteen (15) days of documentation of the deviation by facility personnel. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.

